

REMARKS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1, 3-5, 9, 10, 11, 13-25, 30-33, 37-39, 55, 63-65 and 73-75 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-58 of copending Application No. 10/088,336.

Independent claims 1, 11, 18, 33, 55, and 65 have been amended herein. It is respectfully submitted that claims 1, 11, 18, 33, 55, and 65, as well as claims 3-5, 9, 10, 13-17, 19-25, 30-32, 37-39, 63, 64 and 73-75 which depend from one of the independent claims, are believed to be distinguishable from claims 1-58 of co-pending application no. 10/088,336.

Accordingly, withdrawal of the nonstatutory obviousness-type double patenting rejection is respectfully requested.

Claims 1-10 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Independent claim 1 (from which claims 2-10 depend) has been amended herein. Such amended claim 1 is believed to be in compliance with the requirements of 35 U.S.C. 112, first paragraph. Accordingly, withdrawal of the above 112 rejection is respectfully requested.

Claims 1, 2, 6-8, 11, 12 and 33-36 were rejected under 35 U.S.C. 102(a) as being anticipated by Imamura et al. USPN 6,453,369.

As previously mentioned, independent claim 1, as amended herein, recites in part as follows:

"... detecting whether a user identification data server is connected to the data

recorder and player;

enabling the data recorder and player to record the main data to and reproduce the main data from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data **a first number of times;** and

enabling the data recorder and player to record and/or reproduce the main data to and/or from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player, **a second number of times which is greater than the first number of times.**" (Emphasis added.)

It is respectfully submitted that the portions of Imamura applied by the Examiner (hereinafter "Imamura") do not appear to disclose the above emphasized features of claim 1. Accordingly, claim 1, as amended herein, is believed to be distinguishable from Imamura.

For reasons similar to those previously described with regard to claim 1 it is also respectfully submitted that amended independent claims 11 and 33 are distinguishable from Imamura.

Claims 2, 6-8, 12, and 34-36 are dependent from one of independent claims 1, 11, and 33. Accordingly, it is also respectfully submitted that dependent claims 2, 6-8, 12, and 34-36 are distinguishable from Imamura as applied by the Examiner for at least the reasons previously described.

Claims 18-24 were rejected under 35 U.S.C. 102(e) as being anticipated by Mott et al. USPN 6,170,060 (hereinafter Mott).

Independent claim 18, as amended herein, recites in part as follows:

"... a controller operable to compare the recording medium user identification data with

the memory user identification data and to control operations for playback of the recording medium based on a result comparison and to detect whether a user identification data server is connected to the recording-medium recorder,

wherein the recording-medium recorder is operable to record the main data to the recording medium when the recording medium user identification data are coincident with the memory user identification data a first number of times, and

wherein the recording-medium recorder is operable to record the main data to the recording medium when the recording medium user identification data are coincident with the memory user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times." (Emphasis added.)

It is respectfully submitted that the portions of Mott applied by the Examiner (hereinafter "Mott") do not appear to disclose the above emphasized features of claim 18. Accordingly, claim 18, as amended herein, is believed to be distinguishable from Mott.

Claims 19-24 are dependent from independent claim 18. Accordingly, it is also respectfully submitted that dependent claims 19-24 are distinguishable from Mott as applied by the Examiner for at least the reasons previously described.

Claims 3, 13 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura in view of Boccon-Gibod et al. U.S. Patent Application Publication No. 200010016836 (hereinafter Boccon-Gibod).

Claims 3, 13, and 17 are dependent from one of independent claims 1 and 11. Accordingly, it is also respectfully submitted that dependent claims 3, 13, and 17 are

distinguishable from Imamura as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Boccon-Gibod to overcome the above-described deficiency of Imamura. Accordingly, dependent claims 3, 13, and 17 are believed to be distinguishable from the applied combination of Imamura and Boccon-Gibod.

Claims 4, 5, 14 and 15 were rejected 35 U.S.C. 103(a) as being unpatentable over Imamura '369 in view of Boccon-Gibod, and further in view of Mott et al. USPN 6,170,060 (hereinafter Mott).

Claims 4, 5, 14 and 15 are dependent from one of independent claims 1 and 11. Accordingly, it is also respectfully submitted that dependent claims 3, 13, and 17 are distinguishable from Imamura as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Boccon-Gibod nor Mott to overcome the above-described deficiency of Imamura. Accordingly, dependent claims 4, 5, 14 and 15 are believed to be distinguishable from the applied combination of Imamura, Boccon-Gibod, and Mott.

Claims 9, 10, 16, 17, 38, and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura '369 in view of Yamakawa et al. USPN 6,738,877 (hereinafter Yamakawa).

Claims 9, 10, 16, 17, 38, and 39 are dependent from one of independent claims 1, 11, and 33. Accordingly, it is also respectfully submitted that dependent claims 9, 10, 16, 17, 38, and 39 are distinguishable from Imamura as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Yamakawa to overcome the above-described deficiency of Imamura. Accordingly, dependent claims 9, 10, 16, 17, 38, and 39 are believed to be distinguishable from the applied combination of Imamura and Yamakawa.

Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mott.

Claim 25 is dependent from independent claim 18. Accordingly, it is also respectfully submitted that dependent claim 25 is distinguishable from Mott as applied by the Examiner for at least the reasons previously described.

Claims 26, 40, 41 and 44-49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Imamura '369.

Claim 26 is dependent from independent claim 18. Accordingly, it is also respectfully submitted that dependent claim 26 is distinguishable from Mott as applied by the Examiner for at least the reasons previously described. The Examiner does not appear to have relied on Imamura to overcome the above-described deficiency of Mott. Accordingly, dependent claim 26 is believed to be distinguishable from the applied combination of Mott and Imamura.

Independent claim 40, as amended herein, recites in part as follows:

"... a controller operable to compare the recording medium user identification data with the memory user identification data and to control operations for playback of the recording medium based on a result of comparison and to detect whether a user identification data server is connected to the recording-medium player,

wherein the recording-medium recorder is operable to reproduce the main data from the recording medium when the recording medium user identification data are coincident with the memory user identification data a first number of times, and

wherein the recording-medium player is operable to reproduce the main data from the recording medium when the recording medium user identification data are coincident with the

memory user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times." (Emphasis added.)

It is respectfully submitted that the combination of Mott and Imamura applied by the Examiner do not appear to disclose the above emphasized features of claim 40. Accordingly, claim 40, as amended herein, is believed to be distinguishable from the applied combination of Mott and Imamura.

Claims 41 and 44-49 are dependent from independent claim 40. Accordingly, it is also respectfully submitted that dependent claims 41 and 44-49 are distinguishable from the applied combination of Mott and Imamura for at least the reasons previously described.

Claims 27-29, 42, 43, 50, 51, 55-59, 65-69 and 73 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Imamura '369, and further in view of Boccon-Gibod.

Claims 27-29, 42, 43, 50, and 51 are dependent from one of claims 26 and 40. Accordingly, it is also respectfully submitted that dependent claims 27-29, 42, 43, 50, and 51 are distinguishable from the applied combination of Mott and Imamura for at least the reasons previously described. The Examiner does not appear to have relied on Boccon-Gibod to overcome the above-described deficiency of the Mott and Imamura combination. Accordingly, dependent claims 27-29, 42, 43, 50, and 51 are believed to be distinguishable from the applied combination of Imamura, Mott, and Boccon-Gibod.

Independent claim 55, as amended herein, recites in part as follows:

"... detecting whether a user identification data server is connected to the data recorder and player;

enabling the data recorder and player to copy the main data when the main data user identification data are coincident with the recorder and player user identification data a first number of times; and

enabling the data recorder and player to copy the main data when the main data user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player a second number of times which is greater than the first number of times." (Emphasis added.)

It is respectfully submitted that the combination of Mott, Imamura, and Boccon-Gibod applied by the Examiner do not appear to disclose the above emphasized features of claim 55. Accordingly, claim 55, as amended herein, is believed to be distinguishable from the applied combination of Mott, Imamura, and Boccon-Gibod.

For reasons similar to those previously described with regard to claim 55 it is also respectfully submitted that amended independent claim 65 are distinguishable from the applied combination of Mott, Imamura, and Boccon-Gibod.

Claims 56-59, 66-69, and 73 are dependent from one of independent claims 55 and 65. Accordingly, it is also respectfully submitted that dependent claims 56-59, 66-69, and 73 are distinguishable from the applied combination of Mott, Imamura, and Boccon-Gibod for at least the reasons previously described.

Claims 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Yamakawa.

Claims 30-32 are dependent from independent claim 18. Accordingly, it is also respectfully submitted that dependent claims 30-32 are distinguishable from Mott as applied by the Examiner for at least the reasons previously described. The

Examiner does not appear to have relied on Yamakawa to overcome the above-described deficiency of Mott. Accordingly, dependent claims 30-32 are believed to be distinguishable from the applied combination of Mott and Yamakawa.

Claims 52-54, 63, 64, 74 and 75 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Imamura and Boccon-Gibod, and further in view of Yamakawa.

Claims 52-54, 63, 64, 74 and 75 are dependent from one of claims 50, 55, and 65. Accordingly, it is also respectfully submitted that dependent claims 52-54, 63, 64, 74 and 75 are distinguishable from the applied combination of Mott, Imamura, and Boccon-Gibod for at least the reasons previously described. The Examiner does not appear to have relied on Yamakawa to overcome the above-described deficiency of the Mott, Imamura, and Boccon-Gibod combination. Accordingly, dependent claims 52-54, 63, 64, 74 and 75 are believed to be distinguishable from the applied combination of Imamura, Mott, Boccon-Gibod, and Yamakawa.

Claims 60-62 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod, and further in view of Hioki et al. USPN 6,681,105 (hereinafter Hioki).

Claims 60-62 are dependent from claim 56. Accordingly, it is also respectfully submitted that dependent claims 60-62 are distinguishable from the applied combination of Mott, Imamura, and Boccon-Gibod for at least the reasons previously described. The Examiner does not appear to have relied on Hioki to overcome the above-described deficiency of the Mott, Imamura, and Boccon-Gibod combination. Accordingly, dependent claims 60-62 are believed to be distinguishable from the applied combination of Imamura, Mott, Boccon-Gibod, and Hioki.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephones applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner may have.

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If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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